

CPS West Mercia

Overall Performance Assessment

Undertaken November 2005

March 2006

Promoting Improvement in Criminal Justice

CONTENTS

	PAGE
A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS	2
B. AREA DESCRIPTION AND CASELOAD	3
C. SUMMARY OF JUDGMENTS	4
D. DEFINING ASPECTS	8
1. Pre-charge decision-making	8
2. Managing magistrates' courts cases	11
3. Managing Crown Court Cases	14
4. Ensuring successful outcomes	17
5. Handling sensitive cases and hate crimes	20
6. Custody time limits	22
7. Disclosure	24
8. The service to victims and witnesses	26
9. Presenting and progressing cases at court	28
10. Delivering change	30
11. Managing resources	33
12. Managing performance to improve	36
13. Leadership	40
14. Securing community confidence	43
ANNEX A PERFORMANCE DATA	45

A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in West Mercia and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* assessments; and by assessment under the criteria and indicators of good performance set out in the Overall Performance Assessment (OPA) Framework, which is available to all Areas.

The OPA has been arrived at by rating the Area's performance within each category as either 'Excellent' (level 4), 'Good' (level 3), 'Fair' (level 2) or 'Poor' (level 1) in accordance with the criteria outlined in the Framework.

The Inspectorate uses a rule-driven deterministic model for assessment, which is designed to give pre-eminence to the ratings for 'critical' aspects of work as drivers for the final overall performance level. Assessments for the critical aspects are overlaid by ratings in relation to the other defining aspects, in order to arrive at the OPA.

The table at page seven shows the Area performance in each category.

An OPA is not a full inspection and differs from traditional inspection activity. While it is designed to set out comprehensively the positive aspects of performance and those requiring improvement, it intentionally avoids being a detailed analysis of the processes underpinning performance. That sort of detailed examination will, when necessary, be part of the tailored programme of inspection activity.

B. AREA DESCRIPTION AND CASELOAD

CPS West Mercia serves the area covered by the West Mercia Constabulary. It has three offices, at Droitwich in Worcestershire, Shrewsbury in Shropshire and Hereford in Herefordshire. The Area Headquarters (Secretariat) is based at the Droitwich office.

Area business is divided on both functional and geographical lines between magistrates' courts and Crown Court work due to the size of the Area. In Droitwich there are two Criminal Justice Units (CJUs), which handle magistrates' courts cases in north and south Worcestershire. There is also a separate CJU in Hereford which deals with all magistrates' courts cases in Herefordshire. Droitwich Trials Unit (TU) deals with all Crown Court work for Hereford, Worcester, Kidderminster and Redditch. In Shrewsbury there is a Combined Unit, which deals with all casework for the county of Shropshire.

During the year 2004-05, the average Area number of staff in post was 111.29 full time equivalents.

Details of the Area's caseload in the year to April 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	8,831	24.2	20.9
Advice	1,287	3.5	5.1
Summary offences	18,405	50.6	46.9
Either way and indictable only	7,705	21.1	26.7
Other proceedings	214	0.6	0.4
TOTAL	36,442	100%	100%

C. SUMMARY OF JUDGMENTS

CPS West Mercia covers a relatively wide geographical area, encompassing the counties of Shropshire in the North, to Herefordshire and Worcestershire in the South. There is a mixture of urban and rural communities within the Area, stretching from Birmingham in the east across to the Welsh Borders.

At the last inspection of the Area in June 2003, overall decision-making was found to be generally sound, with good use of charging standards, and a low rate of unsuccessful outcomes. However limited case progression on summary trials was contributing to the high-levels of cracked and ineffective trials and needed to be improved. A Follow-up Inspection undertaken in February 2004 noted that there had been some improvement on the timeliness of case handling, but that better communication between units and more focussed work on pre trial reviews and witness warning was still required.

For 2004-05 shared criminal justice key performance results in West Mercia were mixed. Public confidence in the ability of the criminal justice agencies to bring offenders to justice has continued to rise, matched by an effective performance of actually bringing offences to justice. The Area was better than the national average at reducing unsuccessful outcomes, and exceeded the national target.

Performance in reducing cracked and ineffective trials in the magistrates' courts was less good with national targets not being met; although in the Crown Court, performance was significantly better and both local and national targets were exceeded. The Area did not meet the persistent young offender pledge for over half of 2004-05 although more recent performance shows improvement. The asset recovery target was met.

The Area worked well with the police in setting up a shadow charging scheme from December 2003. There was a high-level commitment to deliver face-to-face advice at all Area charging centres from a very early stage and extremely good take up of the scheme by the police. However, the move to statutory charging in March 2005 had to be deferred in order to resolve significant problems identified by the National Implementation Team. The effective joint response to tackle the issues raised did however ensure that the Area were able to proceed to statutory charging on the deferred date in July 2005. In the last quarter of 2004-05 the Area met national targets against two of the six measures used to monitor expected benefits of the charging scheme and the only aspect of performance which was better than the national average was the Crown Court guilty plea rate.

Magistrates' courts processes generally ensure that cases are ready to proceed at first court appearance. Area managers are pro-active in ensuring the completion of file quality analysis forms in order to secure improvement in the quality and timeliness of police files. However, at present case progression is not generally effective and there is evidence of delay.

The Area has developed systems to ensure that cases are generally progressed in a timely manner in the Crown Court. Delivery of papers to the defence is mainly timely, and monitoring is undertaken of unit processes with evidence of action and improvement as a result. The Area uses the Casework Quality Assurance (CQA) system effectively and has taken steps to improve usage of the case management system, although further improvement is needed; managers also need to ensure they begin to undertake monitoring of case handling.

The Area's handling of sensitive cases is generally sound although there is only limited evidence of data and analysis being shared with criminal justice partners in all categories of case.

At the last inspection, the Area complied with its disclosure obligation in 66.3% of the cases in the file sample, compared to the national average of 70.3%. This represents fair performance. Some progress had been made by the time of the Follow-up Inspection. Since then the Area has undertaken training events to ensure that prosecutors and caseworkers are aware of the new procedures under the Criminal Justice Act 2003, although this has not, as yet, been delivered Area-wide. Some training has also been undertaken with the police. On site file examination revealed that all files had disclosure documentation separately filed with completed disclosure record sheets attached. Generally there was compliance with disclosure requirements in both the Crown Court and magistrates' courts, although there were only very limited explanations recorded for decisions taken.

The implementation of Witness Care Units (WCU) under the No Witness No Justice (NWNJ) scheme has introduced positive changes to Area processes for dealing with victims and witnesses, and feedback from criminal justice partners has been encouraging. However, witness warning procedures, carried out in 2004-05 were not sufficiently robust and the implementation of the NWNJ scheme has been problematic. Compliance with the Direct Communication with Victims (DCV) scheme has been poor.

The Area has a well-established business planning cycle, through which it sets out priorities as well as identifying and managing strategic risks. Change management is still in development, and there is only limited evidence of pro-active review of projects, some of which have been impacted by delays.

There is a good performance-reporting framework and performance analysis is generally robust, with analysis and review being undertaken at quarterly meetings. Area staff and managers have been involved in local improvement activity although there is a need to address the lack of consistent communication of performance information to staff. Further work is required to ensure optimal use of the CQA system for individual performance evaluation and training needs assessments.

Effective staff deployment is at the forefront of the Area's strategy for achieving value for money. Problems with projection have led to the Area incurring underspends of 2.5% against annual non-ring fenced budgets in each year of the two-year period to March 2005. Lawyer agent usage, though higher than average in 2004-05, now appears to be under satisfactory control and is now consistent with the national average. Higher Court Advocacy (HCA) savings were excellent, although more recent usage has been less consistent. Reported designated caseworker (DCW) deployment is poor; however there has been improvement in 2005-06.

National CPS aims and objectives have been adopted in the Area's strategic plans, and Area managers play an active role in delivery of key initiatives, in partnership with Local Criminal Justice Board (LCJB) partners. Reviews of Area operations were undertaken, and some resulting action plans were monitored effectively. However, senior managers are not able to demonstrate a clear and consistent understanding of their role in implementing strategic decisions and communicating key messages to their staff. The Area's high-level policy on equality and diversity needs further work to ensure it is embedded in operational activity.

There is clear commitment by senior managers to securing public confidence and engaging with the community and the Area has been pro-active, with the LCJB, in the delivery of a key community engagement initiative known as 'Inside Justice'. Confidence in the criminal justice system has improved at a faster rate than the national trend up to December 2004.

There were some variations in the levels of performance across the aspects assessed. In light of these, the overall performance of CPS West Mercia was found to be **FAIR**.

CRITICAL ASPECTS	2 - FAIR
Pre-charge decision-making	2 - Fair
Ensuring successful outcomes	3 - Good
Leadership	2 - Fair
The service to victims and witnesses	2 - Fair
Resource management	2 - Fair
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	2 - Fair
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	2 - Fair
Disclosure	2 - Fair
Presenting and progressing cases at court	2 - Fair
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	2 - Fair

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

2 - FAIR

West Mercia operated a shadow charging scheme from December 2003. There was a high-level commitment to deliver face-to-face advice at all Area charging centres from a very early stage and police take up and usage was good. However significant concerns were raised by the National Implementation Team in the early part of 2005 when assessing progress on migration to the statutory pre-charge decision (PCD) scheme. As a result, the proposed date for roll-out was deferred. The immediate and effective response to the concerns raised, with focussed joint working with the police, enabled the Area to proceed to statutory charging on the deferred date in July 2005. For 2004-05, the anticipated benefits of the charging scheme were not all being realised with performance against all but one measure worse than the national average.

1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- In December 2003, the Area established a shadow charging scheme for the provision of face to face advice by prosecutors, at all six local charging centres. For a significant period the scheme worked well, with high police usage and a strong local commitment. By March 2005 however, whilst face to face cover was still being provided, it was not always in accordance with what had been agreed. Following a thorough review of the scheme, the Area now provides timely face to face pre-charge decisions at all Area charging centres.
- There is access to the case management system (CMS) for the recording of advice and decisions at each of the charging centres, and its use is embedded.
- The delivery of joint training, laminated desk top instructions and the re-circulation of the basis of the scheme are starting to have a positive impact.
- The Area now operates an agreed system that all police requests for advice must have a full charging decision record (MG3) signed by the police supervisor before advice will be given. Non compliance is monitored and action taken as a result.
- The Area has developed effective systems for dealing with CPS Direct referrals and the reported uptake for advice from the police has been good. The Area has designed a secure e-mail box for the return of CPS Direct advices and reference numbers are assigned on receipt

- The Area successfully migrated to the statutory scheme for the provision of PCD on 11 July 2005.

Aspects for improvement

- The review of the scheme undertaken by the National Implementation Team in March 2005 found significant failures in the operation and delivery of the scheme within the Area, which resulted in the migration to the statutory scheme being deferred.
- A lack of unique reference numbers (URNs) at the advice stage has hindered the management of charge files, and has compromised the accurate recording and counting of pre charge advice cases. CPS administrators have now been directed to carry out checks for duplication of URNs on all incoming charge files.
- There was no pro-active management by the police or the Area of progress on or return of files for further review, and as a result there was a significant backlog of cases where additional work had been requested but not provided. The Area has now started to use the ongoing cases report to reduce the backlogs and intends to supply this report to the police to assist in managing the workloads.

1B: The Area ensures that all charges advised on are in accordance with the Director's guidance, the Code, charging standards and policy guidelines, and are accurately documented and recorded

- Area lawyers are of sufficient experience and expertise to provide Pre-Charge Decisions. Training has been provided to all relevant staff, with regular updates by e-mail. Laminated copies of the Director's Guidance have been circulated.
- A conditional cautioning pilot began at Redditch police station in January 2005. Suitable cases identified by officers are referred to the duty prosecutor for consideration. None were recorded prior to April 2005 but since then some defendants have been conditionally cautioned. The Area has identified a need for further training as this initiative develops across the whole division.
- Monitoring of the quality of charged cases is undertaken through the Casework Quality Assurance (CQA) and adverse case analysis. In addition, any proposed changes to charges on PCD cases are referred to the Unit Heads for approval. Any aspects of concern are raised with the lawyers individually.

- There is a clearly understood system of referral of cases where there is disagreement between the police and duty prosecutor. All proposed changes to charges on PCD cases are referred to Unit Heads.

Aspects for improvement

- At present the Area relies on the police to review cases in which no further action (NFA) is advised. Although police challenges may identify some decisions of questionable quality, this is no substitute for effective quality assurance by the CPS itself.
- There needs to be compliance with arrangements which ensure the accurate recording of ethnicity and gender of suspects. The reality check indicated that the majority of cases did not have ethnicity recorded.

1C: The Area is able to demonstrate the benefits of its involvement in pre-charge decision-making

- There was effective joint working with the police in establishing the charging centres and local tripartite meetings are used as a forum to discuss some performance issues.

Aspects for improvement

- At present there is only limited analysis of the effectiveness of the scheme, undertaken by the Area. Universal use of allocated URN numbers is now being progressed to identify outcomes from particular units and enable future analysis to be carried out at divisional level through the Prosecution Team Performance Management reporting system
- In 2004-05 Area performance on PCD cases was variable with only limited realisation of the anticipated benefits. The magistrates' courts PCD discontinuance and attrition rates were significantly worse than the national average and the national targets were not met. Although the Area met the target for PCD guilty plea rates in the magistrates' courts, again performance was worse than the national average.
- In the Crown Court the guilty plea rate of PCD cases was better than the national average and the national target was met. However, performance on reducing discontinuance and attrition in the Crown Court was worse than the national average and the national targets were not met. Details of the Area's performance are included in the data table on page 41. More recent data does show significant improvement.

2. MANAGING MAGISTRATES' COURTS CASES
2 - FAIR

Magistrates' courts processes generally ensure that cases are ready to proceed at first appearance. Monitoring of first time guilty pleas has been used to inform listing practices. Area managers are pro-active in ensuring the completion of file quality analysis forms in order to secure improvement in the quality and timeliness of police files. Performance in reducing cracked and ineffective trials in West Mercia is worse than the national average and the Area did not meet the national or local targets. Some analysis of cracked and ineffective trials is undertaken and the results are discussed at tripartite meetings. Youth cases are generally prioritised and monitored; however the Area did not meet the national persistent young offenders (PYO) target for most of 2004-05. The Area is starting to use the case management system (CMS) more effectively and usage is monitored. There have been only limited moves to utilise CMS reporting functions and to monitor key tasks

2A: The Area ensures that cases progress at each court appearance

- Area systems generally ensure that cases are ready to proceed at first appearance. Court monitoring of the number of first time guilty pleas is undertaken and the Area has used this information to inform listing practices. The Area has also introduced combined early guilty plea and administrative court hearings, which can be covered by designated caseworkers (DCWs).
- The overall guilty plea rate in the magistrates' courts is better than the national average at 77.4% compared to 74.2%, and the overall conviction rate is better than the national average at 81.6% compared to 80.8%.
- The Area has a network of youth specialists and cases are usually allocated and prosecuted by them. Performance was better than the national average in respect of the timeliness of youth trials, with 89% of youth trials being heard within the target time, compared to the national average of 87%. Case tracker meetings are held every month for each division which are attended by the relevant youth specialist and caseworker.
- Management monitoring of review and case handling under the Casework Quality Assurance scheme is undertaken. There was evidence of robustness of review, particularly with regard to victim and witness care and disclosure issues, and of action being taken as a result.

Aspects for improvement

- In 2004-05 there were four wasted costs orders in the magistrates' courts.
- The magistrates' courts timeliness target figures for March 2005 showed that in a sample of 140 cases the Area met the target of 59 days for initial guilty plea in 73% of cases. This was worse than the national average of 83%. The Area managed to complete 56% of trials within the 143 days target, compared to the national average of 66%.
- Timeliness for initial guilty pleas in the youth courts was also worse than the national average, with the target being met in 76% of cases compared to 87% nationally.
- The Area did not meet the PYO target of 71 days from arrest to sentence. Performance in the rolling quarter to February 2005 was 73 days and performance from July 2004 to February 2005 has fluctuated between 64 days and 89 days. The Area acknowledges that it failed to prioritise PYO cases effectively as other aspects of performance took priority. Renewed focus has resulted in improvement with performance in the rolling quarter for July to September 2005 standing at 64 days.
- The quality and timeliness of files hampers performance in progressing cases effectively and a number of cases, seen whilst on site, had adjournments due to a lack of a full file to review. Improvements have been made in Shrewsbury with the introduction of the Police File Liaison Unit. Timeliness and poor file quality remain an issue at Droitwich. The Area is pro-active in securing the accurate return of police file quality data and this has been used to inform joint meetings.

2B: The Area contributes effectively to reducing cracked and ineffective trials

- Analysis of cracked and ineffective trials is undertaken at unit level, although there was only limited evidence of a detailed review. General performance is also considered and included as part of the unit reports prepared with the assistance of the Area Quality and Performance Manager (AQPM). There is some evidence of joint work with criminal justice partners in analysing cracked and ineffective trials, although the meetings are not always minuted and there were few examples of positive action as a result.

Aspects for improvement

- In 2004-05 Area performance in respect of reducing ineffective trials at 26.3%, was worse than the national average of 24.8%. The Area did not meet the national target or its own locally set target of 20%. The number of ineffective trials due to the prosecution was also slightly worse than the national average at 7.3% compared to 6.8%.
- During 2004-05 the cracked and ineffective trial forms were not being signed and agreed in court by the prosecution and defence advocates and the accuracy of the data was challenged. Forms are now being signed in court.
- The overall cracked trial rate for the magistrates' courts at 41.2% was significantly worse than the national average of 37.1%.

2C: The Area demonstrates that CMS contributes to the effective management of cases

- Area performance on the number of full file reviews undertaken using CMS was better, at 32%, than the national average of 27.1%. Area managers are provided with CMS user reports by the AQPM and these are used to address performance issues with individual lawyers.

Aspects for improvement

- The Area acknowledges that there are some staff who are not using CMS effectively, and attempts are being made to address this through forward job plans, refresher training and the use of desk side assistance. It was also acknowledged that there was not Area wide use of the task management system.
- Although some CMS reports were prepared by the AQPM, there was only limited use being made of the management report facilities by other managers in the Area. It was hoped that recent training on the systems would improve this. No local templates have been added to the system.

3. MANAGING CROWN COURT CASES

3 - GOOD

The Area has developed systems to ensure that cases are generally progressed in a timely manner in the Crown Court. Delivery of papers to the defence is generally timely, and monitoring of unit processes is undertaken, with evidence of action and improvement as a result. The Area is developing case progression systems and has commenced roll-out of the Effective Trial Management Programme (ETMP). The Area met the Proceeds of Crime (POCA) target for 2004-05 and performance is monitored and improving. Analysis of ineffective trials is undertaken and performance is discussed at inter-agency meetings. The Area met the national and the locally agreed targets for ineffective trials and performance in reducing the number ineffective trials is better than the national average. The number of cracked trials in the Crown Court however, is significantly worse than the national average. Although there has been considerable improvement in the number of indictments prepared on the case management system (CMS), it is still not being used effectively.

3A: The Area ensures that cases progress at each court appearance

- Area processes generally ensure that cases are ready to proceed at each court hearing and there are systems for the appropriate allocation of cases. The Area Special Casework Lawyer deals with complex and highly sensitive cases. The Crown Court guilty plea rate is significantly better than the national average at 81.1% compared to 73.1% and the overall conviction rate is also better at 79.6 % compared to 75.8%.
- As a result of an increase in discharged committals in the earlier part of 2004-05, extensive monitoring was undertaken and improvement noted. The overall discharged committal rate at 0.2% was better than the national average of 0.3%.
- There is some evidence of effective case progression in the Crown Court. For some time a paper diary has been used to monitor readiness for trial, and under the ETMP some full trial readiness checks are now being undertaken, although this has yet to become firmly embedded, particularly in Shrewsbury. All caseworkers have a case progression role and the caseworker managers are the nominated point of contact for case progression with the courts. Some case progression meetings are now being undertaken, but the majority of trial readiness checks are done via paper and telephone links.
- There is effective prioritisation and monitoring of all youth cases and specialists review files. Performance is monitored by the Crown Court and discussed at court user and cracked and ineffective trial meetings as appropriate. Both youth cases committed in March met the timeliness target, which compares well to the national average of 91%.

- The Area met its target in respect of asset recovery achieving 52 confiscation orders in 2004-05 against a target of 49. The monetary value of the orders was £1,133,277. Performance so far this year has also been effective. The Area has a pro-active Champion who has delivered an extensive training programme and the Area has a system of early consultation to capture appropriate cases for asset recovery applications. Area performance is discussed at Area Management Team meetings and at joint liaison meetings.
- Throughout 2004-05, casework performance was assessed as part of the analysis of adverse and cracked and ineffective trials as well as through the Casework Quality Assurance system. There was evidence of some robust analysis and performance issues had been addressed both on an individual and team basis.
- There were no wasted costs orders in the Crown Court for 2004-05.

Aspects for improvement

- The timeliness of service of papers on the defence, at 78.8% was slightly worse than the national average of 79.4%. In March 2005, 82% of cases were committed within the timeliness target which was worse than the national average of 89%.
- For a significant part of the year, comprehensive monitoring of delays in receipt of files from the police was undertaken by the Area, in response to concerns that this was hampering effective case progression. The results were shared with the police. There has now been some improvement.

3B: The Area contributes effectively to reducing cracked and ineffective trials

- Area performance in respect of reducing ineffective trials in 2004-05 was better than the national average, at 14.4% compared to 15.8%. The Area met both the locally agreed target of 18.5%, as well as the national target of 18.4%. Ineffective trials which were the fault of the prosecution were also better than the national average at 4.9% compared to the national average of 6.6%.
- A review of all cracked and ineffective trials is undertaken by the casework managers, and then considered by the Unit Heads. Performance is regularly discussed at tripartite meetings and Crown Court business meetings. The performance data is also analysed by the Area Quality and Performance Manager and any trends and issues discussed at Area management and unit performance meetings. High-level data is also considered by the Local Criminal Justice Board. There is some evidence that learning points are fed back to staff via e-mail and in team meetings.

Aspects for improvement

- The rate of cracked trials in the Crown Court at 45.3% was significantly worse than the national average of 39.2%; in addition the percentage due to the prosecution, at 22.3%, was also worse than the national average of 15.3%. The majority of these cases were due to the acceptance of a plea to a lesser offence or the prosecution offering no evidence on the morning of trial. Area analysis had concluded that a significant proportion of cases cracked as a result of witness non-attendance or refusal to give evidence, and as a result of further review of the case on the morning of the trial.

3C: The Area demonstrates that CMS contributes to the effective management of cases

Aspects for improvement

- Overall performance for 2004-05 for the number of recorded indictments using CMS at 76.7% was worse than the national average of 81.5%. There has been significant improvement towards the end of the year.
- There is some evidence that the Area is starting to use CMS to assist case progression functions and to check finalisations, but managers have only recently received training on the management functions of the system. No local templates have been added to the system.

4. ENSURING SUCCESSFUL OUTCOMES**3 - GOOD**

The Area has a combined unsuccessful outcomes rate which is better than the national average, and performance continues to improve. Performance in the Crown Court was significantly better than the national average. With the exception of discontinuance in the magistrates' courts and cases dismissed after trial, the Area meets or exceeds the national average in key measures. Adverse cases are analysed in all units, although at present there is no review undertaken of discontinued cases in the magistrates' courts. There has been effective joint performance in relation to the shared target for increasing the number of offences brought to justice (OBTJ), with a continued upward trend throughout the year.

4A: The Area is working to increase the number of successful outcomes and reduce the level of attrition after proceedings have commenced

- Area performance in respect of successful outcomes in both the Crown Court and magistrates' courts improved in 2004-05. The magistrates' courts and Crown Court conviction rates were higher than the national average. The Area's performance for unsuccessful cases at 18.5% was better than the combined national target of less than 21% and the national average of 19.6%.
- In the Crown Court, performance on reducing unsuccessful outcomes was significantly better than the national average at 20.4% compared to 24.2%. In the magistrates' courts performance was also better at 18.4% compared to the national average of 19.2%.
- The Area is exceeding targets and national averages for most key measures, with performance in the Crown Court being particularly sound. For the full year to March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	13.6%	12.5%
No case to answer	0.2%	0.3%
Dismissed after trial	1.7%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	81.6%	80.8%
Crown Court		
Judge ordered acquittals	12.6%	14.2%
Judge directed acquittals	1.9%	2.0%
Acquittals after trial	4.4%	6.3%
Overall conviction rate	79.6%	75.8%

- Analysis is undertaken of most cases that result in an adverse outcome and this is collated and analysed by the Area Quality and Performance Manager and trends are investigated. Area practice is to advise the police on a standard form, of summarised reasons why there has been an unsuccessful outcome. More thorough analysis is then undertaken by the Unit Heads and is now discussed with the police at regular meetings and with CPS staff as required. There is evidence of improvement as a result.
- There is evidence that some of the data is shared with other agencies and is discussed at Local Criminal Justice Board meetings.
- The target for the OBTJ is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. Area performance against the OBTJ target has been effective, demonstrating an almost continual upward trend throughout the year. In 2004-05 the number of offences brought to justice in West Mercia equated to an increase of 12.9% above the 2001-02 baseline. Specific examples were given of positive joint working with the police to reduce the number of outstanding warrants, through Operation Turn Up.

Aspects for improvement

- The Area's annual discontinuance rate at 13.6% was worse than the national average of 12.5%. Only a very limited number of discontinued cases are analysed.

5. HANDLING SENSITIVE CASES AND HATE CRIMES

2 - FAIR

Sensitive cases (rape, child abuse and road traffic cases involving fatalities) and hate crime (domestic violence, homophobic, racially and religiously aggravated crime) cases are generally flagged appropriately on the case management system (CMS), and on the file cover, and there are effective allocation systems. Area Champions and specialists have been appointed for sensitive cases, although the list was out of date and needed to be updated and circulated more widely. Lawyers and caseworkers have received appropriate training in the handling of sensitive cases and there is some evidence that analysis and monitoring of their outcomes is used to improve performance.

5A: The Area identifies and manages sensitive cases effectively

- There is an effective system to ensure that duty prosecutors refer all sensitive pre-charge advice cases to Area specialists. In high profile sensitive cases there is direct referral to the Special Casework Lawyer who provides regular reports to the CCP on the progress of current cases.
- Sensitive cases are generally flagged on CMS, with additional checks being carried out by business managers as the case progresses through the system. However cases examined on CMS revealed some failures to record the identified victim and racist incident monitoring codes.
- The Area has appointed Champions and specialists for sensitive cases. Some information is disseminated via e-mails and training sessions to all relevant staff have been undertaken. There has also been some joint training held with the police.
- Any decisions to discontinue hate crime cases must have Unit Head approval.
- The Area has been pro-active in the handling of cases involving Anti Social Behaviour Orders (ASBOs) and has provided guidance to the police on the handling and management of such cases. The Area Champion provides a regular update on case law and policy and has done extensive training with the police and CPS staff. Each local office has a specialist Anti-Social Behaviour Prosecutor who provides guidance and support to others and is the liaison point with the local police.
- The Area has a clearly defined and agreed procedure to ensure the appropriate review and handling of fatal road traffic cases.
- The handling of domestic violence cases, and compliance with CPS policy, is monitored by the Area Champion, and feedback on individual cases is given both to lawyers and Unit Heads. Lessons learned are also widely disseminated by e-mail.

- Racist incident monitoring forms are completed and some analysis is undertaken. The data is circulated to local Members of Parliament and to local race fora.
- The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice, and progress on actions plans is discussed at management meetings.

Aspects for improvement

- The Area list of Champions was out of date, so that is was not always clear who had responsibility for particular topics. The Area also acknowledges that the list is not disseminated to the police to assist in the appropriate referral of cases.
- There is currently no specific analysis done of race cases to analyse trends or local issues.

6. CUSTODY TIME LIMITS

2 - FAIR

Custody Time Limit (CTL) desk instructions generally comply with the national guidance, but a dual system of monitoring using the case management system (CMS) is not used, as the Area cannot rely on the accuracy of the updating of indictable only cases. Unit Business Managers carry out regular checks using the diary, and Unit Heads check this once a week. These compliance checks had not identified the poor endorsements on the magistrates' courts files, nor the errors noted in calculations seen whilst on site. Regular letters are sent to the court and police to advise of expiry dates, but there is currently no agreement with the court to involve them in confirming expiry dates or in CTL monitoring.

6A: Area custody time limit systems comply with current CPS guidance and case law

- The Area has written CTL desktop instructions, which generally comply with national guidance. Each unit follows the same template. The instructions deal with administrative staff functions in recording and monitoring. They also include instructions for lawyers to note the CTL expiry in red on the file and for accurate CMS entries to be checked by the business managers against the file and diary entries.
- There were no CTL failures in 2004-05
- CTL checks are carried out daily. On agreed dates written reminders of the CTL expiry dates are sent to the court. The police are also reminded to expedite file preparation for defendants in custody. It was unclear whether any agreed action is taken by the court and police, following the provision of this information.
- All staff have been trained in both the local system and the relevant law but there was no evidence of refresher training being provided to staff, many of whom have been employed in the Area for some time.
- Unit Heads are provided with the diary and photocopies of files on their unit each week to check monitoring is being carried out.

Aspects for improvement

- Although there is currently an identified Area Champion for CTLs, the Area acknowledges that a more formal approach is required to managing CTLs. There were no detailed instructions giving information about CTL law and good practice circulated in 2004-05.

- No local arrangements have been made with the courts regarding the agreement of expiry dates in court or their involvement in monitoring these. A recent case had been identified where the CPS and court had a different endorsement of the defendant's bail status. This had not been picked up by the CPS during checks.
- There is limited evidence that the Area has taken steps to improve the CTL system. A review of the CTL system was commissioned following the issue of the essential guide in 2002 and some peer assessment was carried out to highlight errors. A review was carried out in 2003 by a working group in response to the service level agreement between the courts and the Area with regard to CTL monitoring. The review suggested that the expiry date should be calculated and agreed in open court and noted on the CPS and court files. A decision was made not to action these recommendations. No more recent reviews have been carried out.
- There was evidence of some updates to Area staff via e-mail but these were in 2003. CTLs are an agenda item in team meetings but these are not held regularly in each unit.
- Files examined on site indicate an inconsistent approach and poor practice. There was evidence that checks on the expiry dates take place on a regular basis and the diary is updated to show this. However, a dual system of monitoring is not in operation. In addition, CMS is not being updated correctly for indictable only cases and therefore the Area does not rely on CMS as an accurate means of calculating indictable only expiry dates.
- The on site file check also revealed concerns, such as poor endorsements on the magistrates' courts files, which the Area had not identified as an issue, and two monitoring errors observed, had not been picked up during management checks. In the magistrates' courts, there was evidence that the poor quality file endorsements have led to confusion, inaccurate recording and additional work for administrative staff in having to contact the court to ascertain bail status.

7. DISCLOSURE

2 - FAIR

At the last inspection of CPS West Mercia in June 2003, the Area's handling of disclosure was found to be worse than the national average. Some progress had been made in securing improvement in disclosure handling by the time of the Follow-up Inspection in February 2004. Since then the Area has undertaken training events to ensure that prosecutors and caseworkers are aware of the new procedures under the Criminal Justice Act 2003, although this has not, as yet, been delivered Area-wide. Some training has also been undertaken with the police. On site file examination revealed that all files had disclosure documentation separately filed with completed disclosure record sheets attached. Generally there was compliance with disclosure requirements in both the Crown Court and magistrates' courts, although there were only very limited explanations recorded for disclosure decisions.

7A: The Area takes steps to ensure that there is compliance with the prosecution's duties of disclosure

- The HM CPSI inspection of CPS West Mercia, in June 2003, found that the Area handling of unused material was worse overall at 66.3% than the national average of 70.3%. This represents fair performance for the purposes of the OPA. The handling of primary disclosure in the Crown Court was better than the national average, but secondary disclosure in the Crown Court was significantly worse than the national average. In the magistrates' courts performance was slightly worse than the national average.
- A Follow-up Inspection in February 2004 found that progress had been made by the Area in ensuring compliance with the Joint Operational Instructions on disclosure and that disclosure logs and record sheets were now being routinely maintained on all trial and committal files.
- Disclosure handling throughout the Area is generally supported by an Area Champion, who provides some casework updates, training and mentoring. There have, however, been a number of changes in responsibility for this and the Area needs to ensure that all staff are aware who the Area Champion is.
- The Area has a clearly understood and effective system for the handling of sensitive material. Generally this is not retained at the CPS offices, but is inspected by prosecutors in conference with the officer in the case. Where material is retained by the Area, secure storage facilities are used, and the file is endorsed to this effect.

- The Area undertakes assessment of prosecutors' performance in relation to disclosure. Where Casework Quality Assurance reviews were undertaken, there was some evidence of appropriate action taken where necessary, in particular in relation to the inappropriate handling of secondary disclosure. There was evidence of action being taken to improve the quality of some of the schedules received from the police.
- The Area deals specifically in its instructions to counsel with the circumstances where the defence request disclosure of unused material in the Crown Court irrespective of whether it meets the statutory test. Counsel are encouraged to resist such blanket requests.
- All files examined on site had disclosure documentation separately filed, and a completed Area pro forma disclosure record sheet on the front of the unused material file.

Aspects for improvement

- The Area has undertaken some training to update lawyers and caseworkers on the new disclosure provisions under the Criminal Justice Act (CJA) 2003. A number of police officers also attended this training. However, training of relevant staff at the Shrewsbury office has been delayed due to a lack of available trainers; the Area has now arranged for a member of the local Bar to deliver the training.
- A significant proportion of our modest file sample showed deficiencies in the handling of disclosure. These included not responding appropriately to a defence statement, failing to action a report highlighting potentially undermining material and inappropriate endorsements on one file.

8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

The implementation of Witness Care Units (WCU) under the No Witness No Justice (NWNJ) scheme has introduced positive changes to processes, and feedback from criminal justice partners has been encouraging. The percentage of cracked and ineffective trials due to the prosecution that result from prosecution witness absence is worse than the national average. Witness warning procedures carried out in 2004-05 were not robust. Implementation of the NWNJ scheme has been problematic. It is not expected that the WCUs will meet the minimum requirement by the target date. Compliance with the Direct Communication with Victims (DCV) scheme has been poor.

8A: The needs of victims and witnesses are fully considered and there is timely and appropriate liaison, information and support throughout the prosecution process

- The Area, in liaison with the police, opened their first WCU in Telford in March 2005 and subsequently a further five WCUs have been opened throughout West Mercia. These are all staffed by the police with a CPS witness liaison officer in each unit. The senior responsible officer for the NWNJ project was the Area Business Manager, and the Area and the police managed the project jointly.
- Joint agency work has been carried out through the Local Criminal Justice Board (LCJB) Victim and Witness Liaison Group. Liaison with the Witness Service and Victim Support takes place here. There is no Witness Service representative co-located with the WCUs but a good relationship has been established and copies of Lists of Witnesses to Attend Court are provided along with the indictment and case summary in Crown Court cases.
- The WCUs have enabled the police and CPS to reorganise witness liaison as a separate function from other casework. Regular pre-trial attendance checks are now carried out. Contact is now maintained and needs assessments are done when a not guilty plea is entered.
- Prosecution advocates and staff introduce themselves, and provide information to witnesses at court. The Area has a laminated guide for all advocates and caseworkers to instruct them on the standard of care that is expected.

Aspects for improvement

- Area systems to ensure compliance with the DCV scheme are not effective; letters are not routinely sent and the Area cannot demonstrate improvement. Compliance in 2004-05 was poor at 33% of the proxy target of 135 cases a month. Timeliness of letters is better but has remained at about the same level throughout the year with 68.8% of letters sent within five days (the target is

80%) and 17.8% sent over ten days from January 2005 to March 2005. Timeliness targets are monitored in the monthly performance reports and are included in lawyers' objectives. Compliance has been identified as a problem but no action to improve identification of relevant cases was seen. Identified victim monitoring on the case management system (CMS) was done in only half the cases examined. The quality of letters was satisfactory but few victims were offered referral information or a contact point. Meetings are offered to the victims' families in fatal road traffic cases.

- Special measures applications are routinely considered but late delivery of full files for pre-trial review hearings and problems in maintaining contact with witnesses have hindered the making of timely applications. The Area is improving contact through the introduction of the WCUs and the provision of early information on victims needs by the police at the charging centres. The Area has no formal monitoring system to measure success but a review has been carried out.
- Key performance measures were adversely affected by the ineffective witness warning system in place in 2004-05. Witness failure to attend trials in West Mercia has been a recurrent problem. The percentage ineffective trials in the magistrates' courts, which result from prosecution witness absence, is worse than the national average at 5.3% compared to 4.5%. The Area also had almost twice the national average of applications to vacate due to witness difficulties, at 40.2% compared to 22.6%, although a significant number of those applications are not successful.
- The implementation of the first WCU in Telford was deferred from January to March 2005 due to accommodation problems. The listing of trials in the magistrates' courts was identified by the post implementation review as an area for concern in witness care. The LCJB has recognised that a large number of witnesses attend court unnecessarily.
- Both the police and CPS representatives attend court business meetings but there is no detailed, effective analysis of cracked and ineffective trials in relation to witness issues at this forum. There is no representation from the relevant WCUs to discuss issues arising.

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

Case progression at court is hampered by some delay in the delivery of files from the police, and by late changes to court lists. Sufficient time is not always available for effective court preparation. The Area usually selects prosecution advocates with full consideration of their experience. There is some monitoring of new in-house lawyers but none of agents or experienced CPS prosecutors. Counsel are monitored only for re-grading purposes, although some informal feedback is given by caseworkers and Higher Court Advocates (HCAs). There is an agents' pack but this is not updated. Some joint training with chambers has taken place.

9A: The Area ensures that prosecution advocates and staff attend court promptly, are professional, well prepared and contribute to effective case progression.

- The Area, along with other criminal justice partners, is working to implement initiatives to improve case progression in court. Unit Heads meet with court officials annually to discuss listing issues and some agreement has been reached to establish more effective listing for the deployment of prosecutors and designated caseworkers (DCWs). There is agreement with the Crown Court to block list cases being prosecuted by HCAs, to ensure that optimum benefits can be obtained. The Area is working with the police to improve file timeliness and attendance of witnesses at trials.
- Selection of prosecution advocates for all courts is usually undertaken with consideration of their experience, expertise and qualifications. Suitably trained prosecutors cover most specialist youth courts and HCAs will have work allocated according to their specialisms. Experienced lawyers and court legal advisors deal with pre-trial review courts to assist case progression.
- In the Crown Court, caseworkers allocate counsel of appropriate experience and specialist counsel are used to prosecute rape cases. The Trials Unit at Droitwich sends copies of the Crown Court Early Warned Lists to chambers to encourage early discussions about counsel availability. The Area does not monitor the grade of counsel to which briefs are returned but changes are approved by experienced staff.
- There is no Area endorsement standard but the quality of file endorsements are looked at as part of Casework Quality Assurance analysis. Reference is made in Aspect 6, to poor custody time limit file endorsements seen on files examined on site, but those seen in relation to case progression were satisfactory.

- Complaints received from other agencies about prosecutors are investigated and action is taken if appropriate. There is a joint agency agreement with the court to ensure that all prosecutors attend at least half an hour before the court sits. All Area lawyers will go through the national advocacy programme.
- The Area undertakes some monitoring of new in-house prosecutors and DCWs, as part of their induction and mentoring process and feedback is given. More experienced lawyers are not monitored.
- Agents and counsel are given instruction packs but these have not been updated for sometime and there is no information about new initiatives. Update sessions were held with some counsel on CPS policies for rape, domestic violence and special measures applications.

Aspects for improvement

- The Area has made attempts to ensure that papers are provided to agents, counsel and in-house prosecutors promptly, but there are failures in the system, which result in advocates not being properly prepared for court. Court lists are usually provided to the CPS during the preceding afternoon but some late changes are not notified until the court hearing. There is a problem with the timeliness of files for pre trial review (PTR) and committal. An example was seen on site of a full file being reviewed at court for the PTR. The Area provides feedback to the police and some improvement in file quality and timeliness has been made in the Shrewsbury unit by the establishment of police file liaison units to coordinate with divisional officers in file building. There are occasions where cases are transferred between courts but prosecutors will have time to read the papers.
- At present the Area do not undertake advocacy monitoring of agents. Counsel are only monitored for re-grading purposes under the Joint Advocacy Standing Committee scheme. Informal feedback is given by caseworkers and HCAs if issues arise outside this scheme. There have been no recent chambers liaison meetings to discuss the service provided to the CPS.

10. DELIVERING CHANGE

2 - FAIR

The business planning cycle is established and enables the Area Management Team (AMT) to set out Area priorities as well as identify and manage strategic risks. Change management is still in development and there is limited evidence of pro-active review of projects, some of which have been impacted by delays. Training and development needs are identified at strategic and operational levels, and training plans developed to meet them. Equality and diversity training has not been prioritised. Training is evaluated in relation to Area performance improvement, but the effectiveness of training is not systematically evaluated at individual level.

10A: The Area has a clear sense of purpose supported by relevant plans

- There is a clearly defined planning cycle for developing and reviewing the Area Business Plan (ABP). Both the 2004-05 and 2005-06 ABPs are clear in defining high-level aims based on national CPS objectives, and linked to the public service agreement (PSA) targets. The plans also include specific tasks which underlie the high-level objectives, identify managers responsible for delivery of each aspect, desired outcomes, and, in most instances, how performance will be monitored.
- The Area Business Manager (ABM) reviews the ABP in the intervening period prior to and following the AMT mid-year reviews. These narrative reviews highlight progress against the high-level objectives but are not supported by performance data. The review of the 2004-05 ABP included clear action points that were tracked for progress monitoring.
- Unit business plans mirror the ABP in most respects, and include objectives linked to the PSA targets. However, the ABP was more detailed in certain respects, and was, in practice, the basis upon which monthly unit performance was reported. The value of the unit business plans was therefore limited. Individual forward job plans made reference to overarching Area priorities and were tailored to meet required staff competencies.
- In the main, Area managers work well with colleagues in other criminal justice agencies to plan for long and medium term objectives. Each Local Criminal Justice Board (LCJB) partner circulates their business plans to others. The Area's ABP also includes several objectives shared with LCJB partners where successful delivery is dependent on joint working and for which Area managers are accountable.

10B: A coherent and co-ordinated change management strategy exists

- The Area's Performance Delivery Team (PDT) is headed by the ABM and consists of the Quality and Performance Manager and all Unit Business Managers. The PDT remit includes responsibility for change management. However, in practice, the AMT act as the review board for all projects and change initiatives, with updates provided by key personnel at, or in advance of AMT meetings.
- Business risks are identified and reviewed alongside the ABP. In 2004-05 the Area took a decision to reduce the number of key risks from eight to four. The rationale for the reduction was not clearly recorded, and in some instances, for example persistent young offenders, this led to a decline in performance.
- Project plans include goals to deliver relevant staff training.

Aspects for improvement

- The delivery of major initiatives has been hampered by inadequate monitoring of implementation plans. There is, for instance, little evidence of adequate joint planning or progress monitoring of the conditional cautioning pilot. Senior managers need to determine the most appropriate forum for operational monitoring of change projects. Whilst the AMT undertakes a role in strategic overview, the remit of the PDT in evaluation and review of change programmes against business benefits does not appear to have been fulfilled.
- There were reviews undertaken following the implementation of the pilot witness care unit and statutory charging. These were not pro-active but undertaken in accordance with national requirements. The Area could benefit from further pro-active reviews, including reviews of successful change implementations, to identify learning points and good practice.

10C: The Area ensures staff have the skills, knowledge and competences to meet the business need

- The ABP outlines strategic learning and development objectives. The Area also has a learning and development plan which links identified training needs with business objectives and expected benefits. The plan identifies which staff specific training is targeted at, and covers training for caseworkers, administrative staff and lawyers.

- Training plans identify resources and constraints, such as staff cover. The Area's learning and development policy also stipulates that training arrangements must take account of a range of access issues including duration of the course and travel.
- Training attendance is logged on the CPS training information management and monitoring system, and quarterly training resource monitoring reports are produced internally.
- In May 2004, the Area received Investors in People re-accreditation. Training evaluation forms are completed. There was some evidence of the use of outcomes in evaluation of training for initiatives such as Proceeds of Crime Act confiscations. However monitoring the effectiveness of training received by individual staff was less systematic.

Aspects for improvement

- The training plans for 2004-05 and 2005-06 included diversity training for new staff employed since 2003 only. There were no plans for refresher training for other staff. The AMT did not identify equality and diversity training as a priority when addressing strategic training needs for 2005-06.

11. MANAGING RESOURCES
2 - FAIR

Effective staff deployment, including Higher Court advocates (HCAs), is at the forefront of the Area's strategy for achieving value for money. Budgets are centrally controlled, and Unit Heads have limited involvement in setting financial priorities. Problems with projection have led to the Area incurring underspends of 2.5% against annual non-ring fenced budgets in each year of the two-year period to March 2005. Timeliness of processing graduated fee scheme (GFS) payments improved in the latter part of 2004-05, but has declined to below national average in the first half of 2005-06. Lawyer agent usage, though higher than average in 2004-05, now appears to be under satisfactory control. In 2004-05 HCA savings were excellent, however more recent deployment has been less consistent. Reported designated caseworker (DCW) deployment was poor in 2004-05, however there has been some improvement in 2005-06.

11A: The Area seeks to achieve value for money, and operates within budget

- The Area has recognised the need to achieve value for money and included relevant objectives in its business plans for 2004-05 and 2005-06. It has demonstrated this in policies such as effective deployment of DCWs and HCAs, although delivery against these has yet to yield expected benefits. There is joint planning for training with other Areas as part of the Strategy Learning and Development Group. The Area also addressed the projected reduction in activity-based cost (ABC) funding during 2005-06 by ensuring that all case finalisations were completed in a timely and accurate manner.
- Budgets are controlled by the Area secretariat and are not devolved to the units. Unit managers are however responsible for achieving the Area's value for money objectives by ensuring effective deployment of resources, such as agent sessions, allocated to each unit. We report on agent usage later in this section.
- Additional funding allocated for charging has enabled the Area to recruit extra lawyers and increase the number of consultations from 3,644 sessions in the last quarter of 2004-05 to 4,611 in the first quarter of 2005-06. Most of the funding allocated for No Witness No Justice in 2004-05 was returned to HQ following delays in implementing the roll-out of the pilot witness care unit.
- Underspend on the annual non-ring fenced budget remained at 2.5% in 2003-04 and 2004-05. The latter underspend is, for the purposes of the Overall Performance Assessment, rated as fair performance. Prosecution costs in 2004-05 exceeded the budgetary allocation by 10%.

Aspects for improvement

- There was only limited evidence that performance was monitored by regular reporting against projected DCW deployment.
- The Area Management Team (AMT) have no corporate role in determining budgetary priorities. The monthly budget reports circulated to AMT members could be less detailed by focussing on highlights. They have not led to informed discussion at AMT meetings in their present form.
- Headquarters quarterly reports for the third quarter of 2004-05 (based on Area forecasts) indicated a projected underspend of approximately £17,000. The Area ended up incurring an underspend in excess of £116,000 which the Area told us was caused in part by difficulties in calculating staff salary profiles.
- There were problems with budgeting and accounting for prosecution costs during 2004-05. In the first quarter of 2004-05, the Area inappropriately used special prosecutor cost codes to account for agent costs related to standard trials. Use of agents to cover sickness absence, which is taken into account in ABC budget calculations, was also inappropriately charged to the special prosecutor cost code. Similarly, inadequate controls led to confusion over accounting for a high cost case with fees in excess of £118,000. The Area Business Manager now monitors high cost cases to ensure compliance with guidance on fee agreements.
- GFS payments to counsel within a month of the last hearing date improved to above national average during the latter two quarters of 2004-05. However, this has not been sustained during the first half of 2005-06.

11B: The Area has ensured that all staff are deployed efficiently

- Staff numbers exceed the Area's profile for both lawyers and administrative grades. The Area now considers casual and temporary contracts when seeking recruits. During 2004-05, the AMT reviewed the structure at Droitwich and decided to move from two combined units to two Criminal Justice Units (CJU) and one Trial Unit. This arrangement is being piloted until March 2006.
- The Area uses a 'mini' ABC model to review staff allocation to units and this takes account of case finalisations. Lawyers are sometimes required to rotate between units to develop their skills. However, the Area's focus on improving HCA deployment meant there were limited opportunities for experienced Trial Unit lawyers to rotate to the CJU.

- Through working with the Whitley Council, the Area has developed a term-time working policy that is reserved for the neediest cases. This arrangement is reviewed on an annual basis to ensure that changes in business needs are taken into account.
- CJU resource allocations include expectations for lawyer and DCW deployment. Expectations for charging sessions are not set out, but weekly attendance schedules are included in rotas. Lawyer coverage is monitored and reported on quarterly.
- During 2004-05, the Area used agents for 32.3% of magistrates' courts sessions, exceeding the national average (26.9%). In the first quarter of 2005-06, agent usage dropped to 17%. Each unit receives an allocation of agent sessions at the start of the financial year based on their caseload and to account for long-term absences. Additional agent sessions, where required, are allocated on the basis of bids from the units. The controls in place to reduce agent dependence allow flexibility, as units are able to incur agent usage in excess of their weekly allocation in lieu of committed allocation. Similarly, unspent agent sessions are carried forward for later use as necessary.
- There is an HCA strategy that sets goals for Crown Court hearings and trials coverage, as well as counsel fee savings. There were ten HCAs available during most of 2004-05, including Trial Unit Heads and the Special Casework Lawyer who each had HCA objectives included in their forward job plans. The Area made counsel fee savings of £336 per HCA session during 2004-05. This is rated as excellent for the purpose of this assessment. Area deployment has been less consistent in 2005-06.

Aspects for improvement

- Sickness levels have increased in every year since 2001, and stood at 11.6 days in 2004. This is worse than the national average of 8.7 days. The Area, in addition to its close monitoring of individual staff sickness, should consider setting more realistic targets in line with its performance, rather than adopting national targets. The Area's performance monitoring did not include systematic reporting against sickness targets.
- During 2004-05, the Area had three DCWs. HQ returns show that DCWs completed 571 sessions during 2004-05, amounting to 6.6% of magistrates' courts sessions against a national average of 8.3%. This is, for the purposes of the Overall Performance Assessment, rated as poor performance. The Area advised that actual coverage exceeded that reported, but an error in recording DCW sessions, which has since been rectified, led to underreporting. One additional DCW was recruited late in 2004-05 and another joined early in 2005-06, and usage is starting to improve.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

The Area has a good performance-reporting framework, although this is centrally managed. Performance analysis is generally robust, and unit managers are held accountable through quarterly meetings with the Chief Crown Prosecutor (CCP) and other key managers. Area staff and managers have been involved in local improvement activity. There is a need to manage the risk to the Area presented by the lack of staff who are skilled in the extraction and analysis of management information at unit levels. The Area also needs to address the lack of consistent communication of performance information to staff. Further work is required to ensure optimal use of the Casework Quality Assurance (CQA) system for individual performance evaluation and training needs assessments.

12A: Managers are held accountable for performance

- The Area Management Team (AMT) met quarterly in 2004-05, having decided to reduce the number of meetings attended by senior managers. AMT meetings focused on progress against priority objectives, and received reports on discrete change projects such as the Witness Care Unit pilot and statutory charging. AMT meeting agendas did not routinely include Area performance. There was an expectation that unit managers would meet monthly but there is only limited evidence that these meetings were regular.
- Each unit produced a monthly performance report covering four headline performance measures, each with underlying aspects. In addition, quarterly unit reports, written in a highlight format, formed the basis of separate meetings with the CCP, Area Business Manager (ABM) and the Area Quality and Performance Manager (AQPM). The bulk of the data in both reports is generated by the AQPM and cascaded to unit staff.
- Monthly and quarterly reports are considered in detail by the AQPM who annotates each with performance queries. Remedial action is agreed following the individual unit performance meetings but it is not clear how the Area effectively assures itself that outstanding tasks are completed.
- Unit Heads and Unit Business Managers together make up the unit management teams responsible for operational effectiveness, quality assurance and continuous improvement. The AQPM co-ordinates improvement using the performance reporting framework and analyses most operational performance data, including the CQA system. This is done on an interim basis until unit managers' are sufficiently skilled to take over this responsibility.

- The Area Performance Delivery Team (PDT) has a remit that includes the review of operational systems. Examples of system reviews undertaken include casework processing and progression, and custody time limit systems. Individual staff have also been allocated implementation and review responsibilities such as the use of secure e-mail and prompt provision of supporting documentation for AMT meetings. However, some reviews scheduled in the 2004-05 Annual Business Plan, such as direct communication with victims, did not take place.
- Underperformance against targets and standards has been addressed at various levels. This included the increased use of confiscation orders following training sessions by the Proceeds of Crime Act (POCA) Champion, and the setting of staff objectives to ensure improved usage of the casework management system (CMS).
- Forward job plans and personal development plans are completed by staff and managers as part of the appraisal process. Evidence showed that they were tailored to address individual needs. There had been delays in completing appraisals during 2003-04 and 2004-05. Senior managers' objectives now include prompt completion of annual appraisals and objective setting.

Aspects for improvement

- Senior managers could demonstrate better accountability by ensuring that Area-wide operational performance is included on the AMT agenda, with minuted discussions on at least an exception-reporting basis.
- Whilst performance is considered over a range of aspects, the performance framework does not always reflect the Area's priority objectives. The Area should consider including highlights in monthly reports to AMT against budgets (prosecution and non-ring fenced administrative costs), sickness absence and charging benefits realisation targets.

12B: The Area is committed to managing performance jointly with CJS partners

- Senior managers play a role in the delivery of joint initiatives with criminal justice partners and there is some inter-agency work with Area managers active within the LCJB, its sub-groups and its delivery boards. The AQPM and a Unit Head attend meetings of the Local Criminal Justice Board (LCJB) prosecution quality group to address issues escalated from local tripartite meetings between the CPS, police and court service officials.

- Consolidated Area performance reports are provided to the LCJB secretariat on a monthly and quarterly basis. The Area also provides magistrates' courts officials with monthly reports and analysis on the effectiveness of court sittings.
- Jointly planned improvement strategies have had some success such as training organised for the police following analysis of outcomes of prosecutions involving special measures by the Area's Victims and Witnesses' Champion, which showed a nil conviction rate. However there other instances of ineffective delivery caused, for example, by a lack of pro-active management of outstanding pre-charge files or monitoring of the conditional cautioning pilot.

12C: Performance information is accurate, timely, concise and user-friendly

- The AQPM is responsible for ensuring data quality. There is evidence, for instance, that case finalisations are checked routinely. However, there have been some problems with data reported to HQ on CQA compliance and DCW coverage.
- Relevant performance information is received from criminal justice partners. The LCJB produces a comprehensive performance pack that includes performance against all targets and progress reports on ongoing initiatives.

Aspects for improvement

- The Area holds two licences for the management information system, one of which is allocated to a member of staff who had been unavailable for an extended period. The AQPM is the other licensee and is effectively the only skilled user. This presents a significant business risk, which has yet to be identified in the Area's business planning and risk register. The Area should ensure that unit managers have sufficient skills to extract and analyse management information to better inform team and individual performance management.
- Performance information for priority objectives needs to be circulated to staff. This would assist understanding, particularly if it showed relative performance by units with monthly trends. The sporadic use of e-mails for this purpose is inadequate. Regular comparisons of performance against other Areas with similar profiles should also be introduced.

12D: Internal systems for ensuring the quality of casework are robust and founded on reliable and accurate analysis

- The Area return rate for CQA forms during 2004-05 was 76%. Performance has remained at this level during 2005-06. Problems relating to the collation and recording of CQA forms and data appear to have been resolved.

- The AQPM's analysis of CQA performance appears robust and is followed up by queries aimed at addressing causes of poor or deteriorating performance. There is feedback to lawyers on a case-by-case basis. The systemic use of CQA for individual performance assessment is being developed but is not yet embedded.

Aspects for improvement

- A peer assessment exercise was organised in the third quarter of 2004-05 aimed at examining the consistency of quality standards applied across the Area. There was no formal feedback of findings to AMT or the various units.

13. LEADERSHIP

2 - FAIR

National CPS aims and objectives have been adopted in the Area's strategic plans. These also include local objectives, and have been communicated to all staff. Area managers play an active role in delivery of key initiatives, in partnership with Local Criminal Justice Board (LCJB) partners. However, Unit Heads are not always able to demonstrate a full understanding of their role in implementing strategic decisions and ensuring consistent messages are delivered to their staff. Reviews of Area operations were undertaken, and some resulting action plans were monitored effectively. The Area's high-level policy on equality and diversity needs further attention to ensure it is embedded in operational activity.

13A: The management team communicates the vision, values and direction of the Area well

- The 2004-05 Area Business Plan (ABP) adopted the national CPS vision, aims and objectives. All planned activity was linked to one or more of these overarching aims and objectives. A summary of key objectives in the 2005-06 ABP was circulated to all staff.
- The Area Management Team (AMT) attends two business planning days annually, one to review planned progress, and the other to plan for the following year. Senior managers are also keen to promote corporate ownership of business planning. During 2004-05, the Area introduced a staff planning survey, which was intended to help inform local priorities. However, due to the poor staff response there are no plans to repeat this exercise.
- Senior managers continue to play a key role in the delivery of joint initiatives, such as No Witness No Justice, with criminal justice partners. There is a significant amount of inter-agency work and, relationships with other agencies appear positive and constructive.
- Area managers are active within the LCJB and its delivery boards. The Chief Crown Prosecutor (CCP) is chair of the LCJB, and the Area Business Manager (ABM) is joint-chair of the LCJB's Performance Delivery Group. Other Area managers and Champions have roles in implementing LCJB initiatives through participation at sub-group level.

Aspects for improvement

- Whilst priorities have been well communicated, the volume of queries raised following monthly and quarterly performance reports indicates that unit managers' understanding of what needs to be done to achieve improved performance is not absolutely clear.

- Apart from the annual training day events attended by a wide section of staff, there are no formal Area staff meetings held, which are attended by all senior managers. The Area Sounding Board is dormant, and it remains unclear how senior managers propose to revive it and renew its remit. There are Whitley meetings with employee union representation, which are attended by the CCP and ABM. The CCP also attends unit meetings occasionally.
- The 2004 staff survey shows that the effectiveness of Area communications was lower at 37% than the national average of 43%. Despite Area guidance that unit meetings were to be held monthly, they were generally only held sporadically and informally on most teams. As such, minutes did not always demonstrate satisfactory levels of dialogue. Whilst they served to cascade key management messages following unit performance meetings with the CCP, they did not routinely provide opportunities to celebrate success or for staff to feed concerns upwards through the chain of command.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- Senior managers are involved in outward looking activities both with criminal justice partners and with community groups.
- Reviews aimed at improving underperformance have, for instance, led to improvements in identification of cases for Proceeds of Crime Act (POCA) confiscation orders, and highlighted issues affecting the success of domestic violence prosecutions. Other reviews, for instance, on Casework Quality Assurance, have not resulted in clear action or improved performance.
- There were examples of e-mail messages from managers to individual staff as well as teams, thanking them for jobs well done. Individual success was also noted on performance appraisal review forms.
- The Area's 2004 staff survey results show lower levels of Dignity at Work (53%) compared to the national average (55%). Complaints previously received from administrative staff about treatments by lawyers have emphasised this issue and it is recognised as a medium risk in the Area's 2004-05 risk register. The CCP has spoken to staff about this at annual staff training days. There were no staff complaints received during 2004-05.
- Staff profiles show overall female staff outnumber males by a factor that exceeds national gender demographics. The Area ethnic minority demographic profile is approximately 3%, but the Area had less than 1% minority ethnic staff during 2004-05. Recent recruitment exercises have been focussed on addressing this with some success.

Aspects for improvement

- Whilst there is a stated commitment to the CPS equality and diversity policies evidenced in the Area's plans and strategies, there is a need to highlight this through effective links to individual performance, such as by including appropriate objectives in all managers' forward job plans. The Area benefits from pro-active work undertaken by the LCJB's Community and Diversity Officer, but does not have a Champion on equality issues.
- Staff perceptions about the lack of a consistent leave policy on one of the sites have been raised at Whitley meetings since December 2004, but have yet to be addressed by Area managers. In addition, other staff concerns, raised at Whitley meetings and underlined by the survey findings, had not received adequate attention.

14. SECURING COMMUNITY CONFIDENCE
2 - FAIR

The Area has worked with the Local Criminal Justice Board (LCJB) in the delivery of a key community engagement initiative known as Inside Justice. The Area Business Plan (ABP) sets out clear engagement objectives, but the absence of a lead responsible officer and an up-to-date Area strategy, undermines the value of the work done. The Area could derive greater value from LCJB led initiatives by making improved links between its community engagement strategy and similar LCJB objectives. Confidence in the criminal justice system has improved at a faster rate than the national trend up to December 2004.

14A: The Area is working pro-actively to secure the confidence of the community

- As chair of the LCJB, the Chief Crown Prosecutor (CCP) has taken the lead in a number of high profile community engagement activities. These are linked to the LCJB's Delivery Plans for 2004-05 and 2005-06, and include the Inside Justice initiative and the resulting action plan.
- The ABP sets out an overarching commitment to community engagement aimed at improving levels of community confidence as measured by the British Crime Survey.
- The CCP's performance agreement, as well as Unit Heads' annual objectives, include community engagement goals. The Area was able to demonstrate that engagement with stakeholders was embedded in some aspects of its operations, such as its work on domestic violence.
- In 2004, the LCJB commissioned a report on its religious and ethnic demographics. The findings led to a strategic decision during 2004-05 to organise events highlighting the criminal justice issues faced by traveller communities as a vulnerable group of visible minorities. However, there were no demonstrable outcomes established and little evidence of discussion or reporting against the success of these events at Area Management Team meetings.
- There was evidence of staff participation with local groups and quarterly unit performance reports are used to highlight staff participation in community engagement activities.
- Area staff also attended meetings with local Crime and Disorder Reduction Partnership (CDRP) groups to discuss matters relating to priority offenders. However, these appear to have been superseded by the LCJB's aim of bringing CDRPs together along regional lines for more effective liaison, and including CDRP representation on the LCJB.

- The Area was successful, with other criminal justice agencies, in increasing confidence in the criminal justice system from 43% to 48% between March 2004 and December 2004. This is a substantial increase that exceeds the national growth trend from 42% to 43% over the same period.

Aspects for improvement

- The Area needs to align its strategic community engagement aims with individual responsibilities to enable performance monitoring against demonstrable objectives. This should secure improved staff commitment to the Area's overarching aim of continuing the improvement in community confidence and embed the perception that related activities are core business.
- Staff participation in community engagement activities was not linked to any Area strategy. Whilst Area staff attended LCJB Race Forum meetings, discussions were focussed on police activity. The Area could be more pro-active in participating in LCJB-led initiatives. The Area's Community Engagement framework and the Reach-Out programme require updating and could be used to demonstrate better value by making clear links to LCJB strategy.
- The Area was unable to secure the appointment of a Communications and Community Engagement manager and this contributed, in part, to the Area's failure to achieve its community confidence objectives during 2004-05. The Area's list of Champions records that the entire management team is responsible for co-ordinating its community engagement agenda. The Area may benefit from making interim arrangements for a named individual to take ownership of this aspect of work in order that it is accorded sufficient priority.
- Whilst units are now required to report quarterly on the number of complaints received as well as the timeliness of responses, there is still no systematic analysis and feedback on complaints received by the Area. This was the subject of a recommendation in our last report.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	22.9%	52%	68.8%	57.8%	31%	22.7%	31.8%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	18.8%	68%	66.8%	70.2%	23%	23.8%	25.4%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	26.3%	71 days	67 days	75 days

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS
 CHARGED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	73%	140	56%	78	84	19

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDING IN YOUTH COURTS
 CHARGED AND SUMMONED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	76%	109	89%	56	100%	2

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	14.4%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	18.6%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11%	+12.9%
Number	24,491	24,921

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	OPA Performance
Primary test in magistrates' courts	71.6%	70.0%
Primary test in Crown Court	79.9%	85.0%
Secondary test in Crown Court	59.4%	43.8%
Overall average	70.3%	66.3%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
97.5% underspend	97.5% underspend

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	6.6%	£224	£473	8 days	8.7 days	11.6 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
42% (March '03)	48% (December '04)



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